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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 WILL CO. LTD. a limited liability company
11 organized under the laws of Japan,

12 Plaintiff,

13 vs.

14 KA YEUNG LEE, an individual; YOUEHAHA
15 MARKETING AND PROMOTION
16 LIMITED, a foreign company; and DOES 1-5
17 d/b/a THISAV.COM, MISSAV.COM,
18 MYAV.COM, MISSAV789.com,
19 VASSIM.COM, and John Does 6-20

20 Defendants..

21 **Case No.: 3:20-cv-05802-BHS**

22 **[PROPOSED] ORDER OF FINAL**
23 **JUDGMENT AND PERMANENT**
24 **INJUNCTION**

25 This matter came before the Court in the Motion for Default Judgment filed by Plaintiff
26 Will Co. Ltd (“Will Co.”) pursuant to Fed. R. Civ. P. and Local Rule 55(b)(2) for entry of Final
Judgment and Permanent Injunction against Defendants Ka Yeung Lee and YouHaha Marketing
and Promotion Limited.

27 Having considered the submissions in support of Will Co.’s Motion and the pleadings on
28 file, the Court grants the Motion and finds:

29
30 [PROPOSED] ORDER OF FINAL JUDGMENT AND
31 PERMANENT INJUNCTION - 1

32 [3:20-cv-05802-BHS]

33 **FREEMAN LAW FIRM, INC.**
34 1107 ½ Tacoma Avenue South
35 Tacoma, WA 98042
36 (253) 383-4500 - (253) 383-4501 (fax)

I. FINDINGS OF FACT

1. Will Co. owns copyrights in works that are displayed on Will Co. owned, operated, or licensed paid membership Internet web sites.

2. Ka Yeung Lee owns and/or operates the web sites Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com.

3. YouHaha Marketing and Promotion Limited also owns and/or operates the web sites Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com.

4. Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com were utilized by Ka Yeung Lee and YouHaha Marketing and Promotion Limited to display adult oriented videos and content to millions of viewers in the United States. These actions were done to earn money from the sales of advertising space on Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com.

5. Between July 2020 and October 2024, Ka Yeung Lee and YouHaha Marketing and Promotion Limited displayed 50 of Will Co.'s copyrighted works on each web site Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com.

6. Ka Yeung Lee and YouHaha Marketing and Promotion Limited displayed Will CO.'s copyrighted works on Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com for a commercial purpose.

7. Ka Yeung Lee and YouHaha Marketing and Promotion Limited earned advertising revenue from Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com. The more Internet traffic on Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com resulted in increased advertising revenue.

1 8. Ka Yeung Lee and YouHaha Marketing and Promotion Limited displayed Will
 2 Co.'s copyrighted works to increase advertising revenue.

3 9. Will Co.'s copyrighted works displayed on Thisav.com, Missav.com,
 4 Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com may be shared on other
 5 sites, in addition to users being provided direct links for posting on other web sites, social media
 6 accounts, and direct messaging. Such functionality makes it impossible to know how many times
 7 and where an unlicensed copyrighted video has been posted and displayed as a result of
 8 Defendants' conduct.

9 10. Ka Yeung Lee and YouHaha Marketing and Promotion Limited did not register
 10 Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, or
 11 Eightcha.com as an Internet Service Provider with the United States Copyright Office and did not
 12 have a registered DMCA Agent.

13 11. Ka Yeung Lee and YouHaha Marketing and Promotion Limited did not have
 14 authority to display, duplicate or distribute any of the 50 Will Co. copyrighted videos on
 15 Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and
 16 Eightcha.com.

17 12. Will Co.'s ability to garner licensing fees for its copyrighted works was directly
 18 damaged by Defendants display of its works for free. Potential licensors of Will Co.'s works will
 19 not pay licensing fees to Will Co. if its movies as available for free.

20 13. In August 2023, Thisav.com had 18.2 million visitors, Missav.com had 285.7
 21 million visitors, Myav.com had 5 million visitors, and Missav789.com had 6 million visitors. In
 22 total, Ka Yeung Lee and YouHaha Marketing and Promotion Limited displayed Will Co.'s
 23 copyrighted works to at least 314,900,000 viewers in August 2024 alone.

24 14. Given the volume of traffic Ka Yeung Lee and YouHaha Marketing and
 25 Promotion Limited display Will Co.'s copyrighted works to it is virtually impossible to calculate
 26 the actual amount of damages to Will Co.

15. Ka Yeung Lee and YouHaha Marketing and Promotion Limited knowingly and willfully infringed MG Premium's copyrighted works.

16. Service of process was made on Ka Yeung Lee and YouHaha Marketing and Promotion Limited via email pursuant to this Court's Order.

17. Neither Ka Yeung Lee nor YouHaha Marketing and Promotion Limited are a minor or incompetent person.

II. CONCLUSIONS OF LAW

1. Service on Ka Yeung Lee and YouHaha Marketing and Promotion Limited was made pursuant to express provisions of Fed.R.Civ.P. 4(f)(3), 4(h)(2) and 4(m).

2. A Court Order entering default judgment against Ka Yeung Lee and YouHaha Marketing and Promotion Limited is now proper pursuant to Fed.R.Civ.P. 55.

3. Ka Yeung Lee and YouHaha Marketing and Promotion Limited displayed MG Premium's 50 copyrighted works on six different web sites, Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com without authority or license in the United States.

4. Will CO. established valid copyright in each of the 50 works displayed on Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com.

5. Ka Yeung Lee and YouHaha Marketing and Promotion Limited infringed Will Co.'s 50 copyrighted works on six different web sites, Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com.

6. Will Co. is entitled to statutory damages for willful copyright infringement. 17
U.S.C. § 504(c).

7. It is proper to award maximum damages for intentional and willful infringement of Will Co.'s copyright works.

1 8. At \$150,000 per work for 50 works, statutory damages of \$45,000,000 are
 2 appropriate.

3 9. 17 U.S.C. § 502(a) makes express that the Court may issue “final injunctions on
 4 such terms as it may deem just to prevent or restrain infringement of a copyright.” Thus, such
 5 relief is authorized here by Defendants’ conduct.

6 10. 17 U.S.C. § 505 provides that the Court may “award a reasonable attorney’s fee to
 7 the prevailing party as part of the costs.”

8 11. Will Co. would be prejudiced if default judgment is not entered.

9 12. Will Co. has established prima facie claim for copyright infringement and the
 10 complaint states a claim for copyright infringement.

11 13. There is no evidence that there is a dispute concerning material facts or that default
 12 was due to excusable neglect.

14 **III. FINAL JUDGMENT AND INJUNCTIVE RELIEF**

15 It is hereby **ORDERED, ADJUDGED and DECREED** that DEFENDANTS Ka Yeung
 16 Lee and YouHaha Marketing and Promotion Limited are PERMANENTLY ENJOINED from
 17 using on or in connection with any product or service or the manufacture, importation,
 18 exportation, sale, offering for sale, distribution, advertising, promotion, labeling or packaging of
 19 any product or service, or from using for any commercial purpose whatsoever any copyrighted
 20 work of Will Co. Ltd.

21 It is further **ORDERED, ADJUDGED and DECREED** that DEFENDANTS Ka Yeung
 22 Lee and YouHaha Marketing and Promotion Limited, in accordance with 17 U.S.C. § 504(c)(2),
 23 shall PAY TO PLAINTIFF statutory damages in the amount of \$45,000,000, with interest on
 24 these principal amounts according to the statutory rate pursuant to 18 U.S.C. § 1961(a). This
 25 amount consists of \$150,000 for each of the registered copyrighted works that Will Co. own and
 26 that Defendants willfully and maliciously infringed.

1 It is further **ORDERED, ADJUDGED and DECREED** that DEFENDANT Ka Yeung
 2 Lee and YouHaha Marketing and Promotion Limited, in accordance with 17 U.S.C. § 502(a),
 3 shall PAY TO PLAINTIFF Plaintiff's reasonable attorney's fees and costs in the amount of
 4 \$48,578.57.

5 It is further **ORDERED, ADJUDGED and DECREED** that Verisign, Inc., the operator
 6 of the .COM registry, change the registrar of record for the domain names Thisav.com,
 7 Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and Eightcha.com to Will
 8 Co.'s registrar of choice and that the named registrar change the registrant of the domain names
 9 Thisav.com, Missav.com, Missav789.com, Myav.com, Vassim.com, Fivetiu.com, and
 10 Eightcha.com to Will Co. Ltd. These efforts shall be done at Will Co.'s reasonable expense.

11 It is further **ORDERED, ADJUDGED and DECREED** that X.com (formerly Twitter),
 12 shall transfer the account @missav_daily to Will Co. or its designee.

13 Violation of this Order shall subject Defendants and all other persons bound by the Order
 14 to all applicable penalties, including contempt of Court.

15 The Court shall retain jurisdiction over this action for the purpose of enforcing this final
 16 judgment and permanent injunction.

17 DATED: _____, 2024.
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20 HONORABLE BENJAMIN H. SETTLE
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